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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan B. Shuey

Assignee: Ductmate Industries, Inc.

Serial No. 10/029,087

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Patent Application

RELEASABLE CABLE GRIP

Attorney Docket No. 010071

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DECLARATION
James R. Moon 37 CFR 1.132

December 20, 2005

I, James R. Moon, an employee of Ductmate Industries, Inc., the Assignee of Application Serial No. 10/029,087 declare as follows:

1. **EDUCATION**

- (a) BS in Mechanical Engineering in 1982 from Grove City College.
- (b) USPTO Patent Examiner Procedural and Legal Training 1983

2. **EXPERIENCE**

- (a) Worked at Nitrochem LLC, Engineering Department for 9 years.
Responsibilities included the design and installation of hanging pipe and ductwork systems.
- (b) Worked for 3 years at Ductmate Industries, Inc. – Research and Development Department. Responsibilities included the design and testing of cable support products for the HVAC industry.

3. **I HAVE REVIEWED:**

- (a) The Shuey Patent Application No 10/029,087;
- (b) US Patent No. 6,003,210 - Facey et al;
- (c) US Patent No. 4,889,320 – Pasbrig;
- (d) WO 97/36123 - Facey;
- (e) Examiners Answer to Appeal Brief (dated 07/7/2004) in this Shuey Patent Application;
- (f) The 8-31-2005 Board of Appeals Decision;
- (h) The Applicant's Request for Rehearing;
- (i) The Boards 11-17-2005 Decision on the Request for Rehearing
- (j) The attached claims.

4. **THE LEVEL OF SKILL OF ONE SKILLED IN THIS ART**

In my opinion, a person of ordinary skill in this art would be a person with a Mechanical Engineering Degree having two (2) years experience working with cable support devices. Alternatively the person of ordinary skill could have four (4) years of experience in using cable support devices.

5. **FACTUAL STATEMENTS SHOWING NONOBVIOUSNESS**

- (a) A person of ordinary skill art would not find the convenience of not having a separate tool as a motivating factor to combine the teachings of Facey and Pasbrig to obtain Applicant's claimed invention.

A person of ordinary skill in the art would perceive the possibility of disadvantages in using the lever directly fixed to the wedge means vs. the separate tool not fixed to the wedge means. The following possible disadvantages would be considered by a person of ordinary skill in the art when trying to make a device with the release lever fixed to the wedge means:

- (i) only the person with the tool can release the wedge means;
- (ii) cost of manufacturing is more expensive because of cutting or casting the slot in the housing and in making the additional integral release lever vs. just making a separate tool to slide into a slot. The integral release lever requires additional engineering and makes assembly of the device more complicated;
- (iii) the risk of failure of the device is greater, there is a risk that the lever could break off and then the wedge would not be able to be released;
- (iv) the risk of failure of the device is greater, there is a risk that external dirt and debris can enter the device through the slots thus preventing the wedge from being released; and
- (v) the slot and the direct release lever introduce a risk of canting into the device mechanism.

A person of ordinary skill in the art would consider that a separate tool such as pliers might still be required to move the release lever directly attached the wedge means when a heavy load is applied to the cable. Because a person of

ordinary skill in the art may think that a separate tool could be required to operate the lever design convenience of not having a separate tool would not be a motivating factor.

- (c) A person of ordinary skill in the art would have no motivation to combine Facey and Pasbrig. There is no suggestion in Facey or Pasbrig to combine the two references and there is nothing within the knowledge of a person of ordinary skill in the art to suggest combining Facey with Pasbrig.
- (d) A person of ordinary skill in the art knowing the above would not find Applicant's claimed invention obvious over Facey in view of Pasbrig.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


James R. Moon

Date: 1/09/2006

Claim 20 (previously presented): The releasable cable grip connector of claim 22 wherein said wedge means has a release lever extending outwardly on each side of said wedge means through respective slots on opposite sides of said housing.

Claim 21 (previously presented): The releasable cable grip connector of claim 22 wherein said wedge means has a single release lever extending outwardly on said wedge means through said slot and said housing.

Claim 22 (currently amended): A releasable cable grip connector for locking a cable segment within a housing comprising:

- a housing having a first bore therethrough to receive a first cable segment and a second bore therethrough parallel to said first bore to receive a second cable segment, said first and second bores being of a diameter to permit said first and second cable segments to pass freely through said bores, said first and second bores being straight throughout the extent of said housing;

- a channel within said housing disposed to one side of said first bore and acutely inclined to and, at its inner end, breaking into said first bore;

- wedge means positioned within said housing in said channel and spring loaded by a coil spring to bias said wedge means against said cable segment within said first bore to wedge said cable segment against said first bore and thereby grip said cable segment, said coil spring that spring loads said

wedge means being positioned axially within said channel so that the force generated by said coil spring acts at all times in an axial direction;
a slot in said housing extending parallel to said channel and to said coil spring within said channel and communicating with said channel;
a release lever fixed to said wedge means and extending through said slot to the outside of said housing whereby said release lever may be utilized to move said wedge means against the force of said coil spring away from said cable segment and permit movement of said cable segment relative to said first bore.

Claim 23 (previously presented): The releasable cable grip connector of claim 22 wherein said second bore within said housing permits said second cable segment to move freely within said second bore.